

**Whatcom County
Charter Review Commission
Meeting Minutes**

June 7, 1995

I. Call to Order

The meeting was called to order at 7:02 p.m. at the Courthouse Council Chambers, 311 Grand Avenue, Bellingham, by Chairperson Kathy Sutter.

II. Roll Call

Present:

Keith Ahrens
Danna Beech
Joe Elenbaas
Karen Frederick
Georgia Gardner
Yvonne Goldsmith
Don Hansey
Darlene McLeod
Ron Polinder
Ray Radke
Mary Scrimsher
Orphalee Smith
Mary Stender
Kathy Sutter
Terry Unger

Absent, but excused:

(None)

III. Approval of the Agenda

Goldsmith moved to approve the agenda.

Radke seconded the motion.

Smith moved that we move item #13 to #1.

Beech seconded the motion to amend.

Motion to amend failed, 6 - 9, with Beech, Frederick, McLeod, Radke, Smith, and Stender in favor.

Main motion carried, 9 - 6, with Beech, Frederick, McLeod, Radke, Smith, and Stender opposed.

IV. Reading and Approval of Minutes from the May 31, 1995 Meeting

Beech moved to approve the minutes.

Ahrens seconded the motion.

Motion carried unanimously.

V. Open Session - Public Comments

The Chair opened the floor for open session.

Speakers:

Paul Holtzheimer, P.O. Box 366, Custer
Roger Almskaar, 1401 Astor St., Bellingham
Art Anderson, 5324 Williams Rd., Everson
Skip Richards, P.O. Box 4150, Bellingham

The Chair closed open session.

VI. Discussion of Proposed Motions

The Chair withdrew the first motion from the agenda.

Stender moved to amend the Charter as follows:

Section 2.12 Nominations.

(a) Nominees by district.

There shall be two council positions in each of the three districts, designated position (A) and position (B), respectively. At the primary election, the qualified electors of each district shall select ~~two (2) candidates~~ one candidate from each political party or Independent for each position to be filled from their district.

(b) Nominee at large.

There shall be one council position designated council member at-large, which shall be nominated without regard to district. The ~~two candidates~~ candidate of each political party or Independent receiving the largest number of votes county-wide shall be certified as candidates for the position of council member at-large.

Smith seconded the motion.

Motion failed, 4 - 11, with Goldsmith, McLeod, Smith, and Stender in favor.

Elenbaas moved that under Section 3.21, we will submit to the voters a motion to amend the Charter, changing the term of the Executive from four years to two years.

Radke seconded the motion.

Motion failed, 3 - 12, with Elenbaas, Radke, and Sutter in favor.

{Clerk's note: the Chair called for a break at this point in the meeting.}

Sutter moved to amend the Charter, under budget, as follows:

All requests for supplemental expenditures shall be submitted to the Executive. The Executive shall process the request and forward a recommended action to the legislative branch.

Unger seconded the motion.

Gardner moved that we amend the motion before us to add the word "Council" as the second word in the first sentence.

Elenbaas seconded the motion.

Gardner withdrew the motion to amend.

Sutter withdrew her motion.

Hansey moved to substitute for the motion that just got withdrawn, that we just strike in Section 6.71 everything after the word "ordinance" in the next to last line.

Beech seconded the motion.

Smith moved that we table this motion to next week.

Frederick seconded the motion.

Motion to table carried unanimously.

Elenbaas moved that under Section 5.40 that we change the required amount of signatures for qualification for an initiative process from the number 15 to the number 7 percent.

Gardner seconded the motion.

Motion carried, 9 - 6, with Gardner, McLeod, Polinder, Scrimsher, Stender, and Unger opposed.

Elenbaas moved, under the 5.60, the Referendum Process, that we take a similar action to what we just did with the initiative. . .and that we submit to the voters an amendment that changes it from 15 to seven, under 5.60.

Beech seconded the motion.

Hansey moved that we amend the motion to strike "gubernatorial" and insert "general".

The Commission accepted the motion by consent.

Main motion, as amended, carried, 9 - 6, with Gardner, McLeod, Polinder, Scrimsher, Stender, and Unger opposed.

Elenbaas moved that, under the Section 8.22, which relates to amendments by the public to the Charter, that we change that number from 20 percent to seven percent, so that it is consistent with the others, and, in consistency with others, as it has been pointed out to me at this moment, we should change "gubernatorial" to "general" as well.

Goldsmith seconded the motion.

Main motion, as amended, failed, 4 - 11, with Beech, Elenbaas, Frederick, and Goldsmith in favor.

Sutter moved to amend the Charter as follows:

Section 5.40 Initiative - Procedures.

{Etc.} Such concise statement will be the ballot title. The petitioner then has one hundred and twenty (120) days, excluding Sundays, to collect the signatures of the registered voters in the county equal in number to not less than fifteen (15) percent of the votes cast in the county in the last general election. This one hundred and twenty (120) day period shall begin upon official notification to petitioner(s) and shall end on the first working day of county offices following the one hundred and twenty (120) days. Each petition shall contain

the full text of the proposed measure, ordinance or amendment to an ordinance and the ballot title. {Etc.}

Beech seconded the motion.

The Chair amended the motion to read, "This one hundred and twenty (120) day period shall begin upon official notification to petitioner(s) from the Prosecuting Attorney's office on the date of receipt by certified mail or messenger".

The Commission accepted the motion by consent.

Smith moved to divide the motion.

Goldsmith seconded the motion.

Motion to divide the question carried unanimously.

First half of the motion, adding "excluding Sundays, " failed, 6 - 9, with Elenbaas, Goldsmith, Hansey, Polinder, Radke, and Smith in favor.

The remainder of the motion carried unanimously.

Elenbaas moved that under 8.22 that we change "gubernatorial" to "general".

Beech seconded the motion.

Motion carried, 14 - 1, with Stender opposed.

Sutter moved to amend the Charter, Section 5.60 Referendum - Procedures: the amendment is to change the sentence that would read, "The proposal shall be presented to the Auditor within forty-five (45) days after the ordinance is passed by the County Council." Change that to "ninety (90) days after the ordinance is passed by the County Council."

Goldsmith seconded the motion.

Motion failed, 5 - 10, with Beech, Elenbaas, Goldsmith, Radke, and Sutter in favor

Elenbaas moved a substitute motion which would be the same language as we adopted on 5.40, having to do with notification of the petitioner.

{Clerk's note: this motion is a substitute for the second half of Sutter's motion, #9 on the agenda. The text of the substitute motion reads as follows:

Section 5.60 Referendum - Procedures.

{Etc.}

The petitioner then has one hundred and twenty (120) days to collect the signatures of registered voters of the county equal in number to not less than fifteen (15) percent of the number of votes cast in the county in the last gubernatorial election. This one hundred and twenty (120) day period shall begin upon official notification to petitioner(s) from the Prosecuting Attorney's office on the date of receipt by certified mail or messenger and shall end on the first working day of county offices following the one hundred and twenty (120) days. Each petition shall contain the full text of the measure being referred and the ballot title. The Auditor shall verify the sufficiency of the signatures on the petition and, if it is validated, submit the measure to the people at the next general election that is not less than one hundred and twenty (120) days after the registering of the petitions. }

Beech seconded the motion.

By consent, the Commission amended the motion by changing "gubernatorial" to "general".

Main substitute motion, as amended, carried unanimously.

Elenbaas withdrew agenda motion #10.

Sutter forwarded agenda motion #11 to next week's agenda with new language.

Due to time constraints, the Chair forwarded agenda motions #12 and #13 to next week. Hansey's notice of reconsideration of item #13 was also forwarded.

VII. Break

The Chair called for a break at 8:05 p.m.

The Chair reconvened the meeting at 8:15 p.m.

VIII. Other Business

The Chair submitted a revised time schedule, as requested by the Commission. This time frame was discussed by the Commission. County Budget and Program Analyst Bob Woods indicated that noon on Wednesday, July 12 is the cut-off for submitting the final recommendation to the Council. The Chair adjusted the schedule appropriately.

Stender discussed the hand-out with additional implementation of the motion to make the Executive position appointed. This language replaces the previous hand-out,

which was #13 on this week's agenda. This new hand-out will be first on next week's agenda.

County Budget and Program Analyst Bob Woods gave a brief overview of the Commission's budget situation.

Stender indicated that this was Intern Martin Otterson's last night. The Commission thanked him for his help.

Recording Secretary Kerstin M. Bailey indicated that next week's meeting will be in the County Council Chambers.

IX. Discussion of Next Agenda

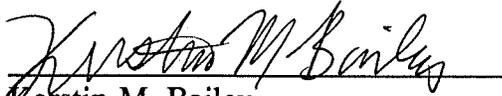
Items to be included on the next agenda: call to order, roll call, approval of agenda, approval of minutes, open session, discussion of motions, other business, discussion of next agenda, adjourn.

The Chair indicated that item #13 on this week's agenda will be #1 on next week's; #12 will be #2, and #11 will be #3.

X. Adjourn

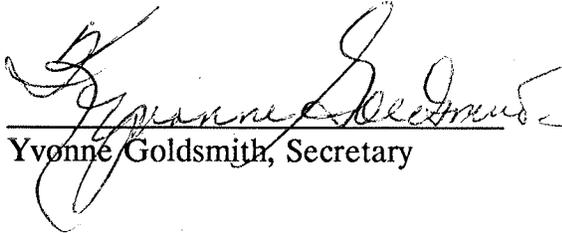
The meeting was adjourned at 10:00 p.m.

Respectfully submitted,

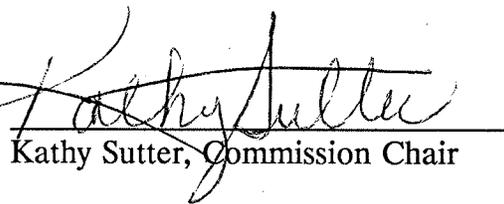


Kerstin M. Bailey
Recording Secretary

WHATCOM COUNTY CHARTER REVIEW COMMISSION



Yvonne Goldsmith, Secretary



Kathy Sutter, Commission Chair

CHARTER REVIEW COMMISSION
SPEAKERS AT THE
JUNE 7, 1995 MEETING

1. Paul Holtzheimer, P.O. Box 366, Custer, 384-2136

-I want to thank every one of you for all the hard work you're doing here. I really do appreciate it; I'm sure the rest of the citizens of Whatcom County appreciate it too. I also want to thank Joe personally for making the proposed motions 3, 5, 6, and 7. I think they're very good; keep up the good work, Joe. My main reason for being here is just to thank you.

-You have one motion before the floor that's saying that Commission Members must be of sound mind. I believe that's going to be a legal technicality that's going to be haunting you forever. I think that would eliminate half of us.

-I would like to recommend that, in the thirteenth motion, any where "County Executive" is used, change it to "County Manager," and change "appointed" to "hired" Executive.

2. Roger Almskaar, 1401 Astor St., Bellingham, 671-1146

-I understand that this will be my third and last time to speak to this August body. Mr. Holtzheimer stole a little bit of my remarks in thanking you for all the hard work that you have done. I do notice it, and I appreciate it; it's pretty evident that you're a serious group.

-I would like to make some comments on four of the items on your agenda. I will focus on those four; just because I don't comment on an item doesn't mean that I don't have an opinion about it. As a person who's been involved with County Government for almost 25 years, as an employee, consultant, human being, and everything else, what happens in County Government has a lot of impact on me personally, and everybody else. I think a lot of people don't realize it, but I do, because I work with it almost every day.

-What I think is the best thing that your group could do for the people of Whatcom County this year is to move toward a stronger Council role in County Government. People have told me that the original Charter framers tried to strike a balance between the Executive and the Council. Maybe Don might have a comment on that. I think that was a mistake, if that is the case, because that's too academic. It's just not the real world. It set up some of the problems that we're having now, when the Executive branch decides to take a holiday, in effect, for about three years. So, I support the Stender package on lucky item 13. I think one of the few alternatives to going that direction would be to reduce the number of Council Members to, say, five, and pay them more money, so we can have a smaller number of fish in a small pond. That way, they'd have more power. Tip O'Neill said that politics is all local; politics is also about power. I think that if the Council had more power than it does right now, you'd get a lot of good people running for those offices.

-I also think the Sutter amendment #4 is an excellent idea, and also #11, the intent and measurable goal. We need to move toward performance-oriented government, not just budget-and-spend government, like we have now.

-Finally, the other Stender amendment on making the Council positions partisan: I wouldn't have supported that 15 or 20 years ago, but after running for office four years ago, I do. County politics are already partisan. Why don't we just acknowledge reality and move on? I think a case could be made that in cities like Sumas, Ferndale, and even Bellingham, it's not a good idea. But we've got a population of almost 150,000 people; not all of them vote, of course. I think the provision for "Independent" in here is a good idea, too. So, I support that item. Thanks.

3. Art Anderson, 5324 Williams Rd., Everson, 592-5160

Madame Chair, Commissioners, I too want to thank the group for the work that you've done. Now it's crunch time; now is the time that you have to pull all this information together and come up with some documentation. I've served on a couple of groups before in the past; I know the type of commitment it takes.

-I want to talk to you specifically about item #12 on your agenda this evening. That's Mr. Elenbaas' amendment regarding the number of county employees. I would support that and also would encourage this group to look at the privatization issue, and possibly fold the two together. I think the two make a lot of sense. If we're really talking about saving taxpayers' dollars, I would encourage this body to look at both of those issues and possibly fold them together. Thank you.

4. Skip Richards, P.O. Box 4150, Bellingham, 738-9544

-Madame Chair, Commissioners, I'd like to address the issue of referendum, one with which I am intimately familiar, as some of you know. I agree with the submission by Mr. Brown, for the most part, with the exception of the length of time it takes to file a referendum, which he proposed to expand. I think that what you ought to do with the referendum is bring it into line with State Law. For instance, right now Initiative 164 was passed by the legislature. It has not become law, because there is a time frame to collect signatures for a referendum. If the referendum proponents are successful, then Initiative 164 will not become law until it is voted on. It seems to me that this is more appropriate, because what happens is, you get an ordinance passed by the Council, it becomes law, the Administration ramps up to administer it, and then somebody files a referendum. So, they keep administering law until the referendum is validated. And that can take a matter of some months. So then they've expended all this effort and taxpayers' money in enforcing a new law, and now suddenly they've got to drop that and wait for the outcome of an election. This is very disruptive, and I think it is something that you ought to rectify. Again, State Law is the model that you can use here. I believe that that is the way it is done in the other charter counties as well. Whatcom County's Charter is an anomaly in that regard, where the referendum filing does not stay an ordinance from taking effect. So, I would urge you to consider that language that would effect that, and I have provided some here. Presumably that's going to be submitted this evening.

-I would also point out that I'm doing this somewhat contrary to the interest of the referendum that I represented. It was precisely because the Critical Areas Ordinance was in effect for a while, and then the referendum was in effect for a while that we were able to convince the voters that the referendum was a better version than the original ordinance. So, I'm not arguing this on the basis of trying to reinforce some political advantage of my own. Quite the contrary. It's simply a matter of efficient government. It makes no sense to have a law put in effect for a while, and then suspended, and then you wonder about it until the election. That is really very disruptive. What it mainly impacted with respect for the Critical Areas Ordinance was the permit applicants. When they went in there, they were very confused. The administration itself was confused a lot of times. People got different stories when they went in there. For those of you who work in land use, there, Terry is already responding with more validation of the statement than I could provide with a ream of documents, so I'll leave it at that. I urge you to consider the language that I propose, which will bring Whatcom County's Charter in line with the other Charters and with State Law. Thank you.